

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Chapter 11
VICTOR H. MAIA,	:	
	:	Case No. 18-16907-AMC
Debtor.	:	
	:	

**CONSENT ORDER GRANTING MOTIONS OF DEBTOR VICTOR H. MAIA FOR
AUTHORITY TO SELL REAL PROPERTIES AT PRIVATE SALE, FREE AND CLEAR
OF ALL LIENS, CLAIMS, AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363**

AND NOW, this 17th day of December, 2020, upon consideration of the Motions of Victor H. Maia, the debtor and debtor in possession (the “Debtor”), by and through his undersigned counsel, Obermayer Redman Maxwell & Hippel LLP, for the entry of an order granting the Debtor authority to sell (i) his property located at 1403 Sellers Street, Philadelphia, PA 19124 at private sale to Asher Manuel Design Build LLC, and (ii) his property located at 2051 Wakeling Street, Philadelphia, PA 19124 at private sale to JDJ Fund D, LLC (the “Sales”), free and clear of all liens, claims, and encumbrances pursuant to 11 U.S.C. § 363 (the “Motions”)¹ and all responses thereto having been resolved, and this Court being satisfied that due notice of the Motions and the Sales have been provided by the Debtor pursuant to 11 U.S.C. § 363, Rules 2002(a)(2), (c)(1), (k), 6004(a) and 9007 of the Federal Rules of Bankruptcy Procedure and Local Rules 2002-1, 6004-1, and 9014-3 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Pennsylvania; and the parties consenting to the sale of the properties located at 1403 Sellers Street, Philadelphia, PA 19124 and 2051 Wakeling Street, Philadelphia, PA 19124 (collectively, the “Properties”);

IT IS HEREBY ORDERED THAT:

¹ Each capitalized term used but not defined herein shall have the meaning ascribed thereto in the Motions.

1. The Motions are in all respects GRANTED.
2. The Debtor is authorized to sell (i) the property located at 1403 Sellers Street, Philadelphia, PA 19124 at private sale to Asher Manuel Design Build LLC, and (ii) the property located at 2051 Wakeling Street, Philadelphia, PA 19124 at private sale to JDJ Fund D, LLC, pursuant to § 363(b), (f), (h), and (m) of the Bankruptcy Code, free and clear of any and all liens, claims or encumbrances, on an “as is, where is” basis and no party to this Consent Order shall take any action to prevent or inhibit the Sales.

3. Fifty percent (50%) of the net proceeds from the Sales shall be paid to Willie Jamar Nobles, individually and as administrator of the estate of Jamar Willie Nobles, Diana Wilson, as administratix of the estate of Rasheedah Wilson and in her own right, and Maurice Butts, as administrator of the estate of Rasheed Wilson, Anthony Patterson, Administrator of the Estate of Shanai Nasirah Patterson (the “Wrongful Death Creditors”) and shall be netted against any claim the Wrongful Death Creditors are to be paid pursuant to the Plan or otherwise on account of the Judgment. In determining the amount of the net proceeds from the Sales, the only deductions that may be made from the gross proceeds of the Sales shall be reasonable and customary closing costs subject to the approval and consent of the Wrongful Death Creditors, and such consent shall not be unreasonably withheld by the Wrongful Death Creditors.

4. The remaining fifty percent (50%) of the net proceeds from the Sales shall be held in an escrow account with [insert escrow agent] and may not be disbursed without further court order or written approval of the Wrongful Death Creditors except as follows:

- a. The Debtor may access and make use of up to \$5,000.00 of the funds held in escrow (\$2,500.00 from each of the sales) without further approval or further order of the Bankruptcy Court; and

b. If the Debtor wishes to access and make use of more than \$5,000.00 of the funds in escrow, the Debtor must seek and obtain the authority of the Wrongful Death Creditors. Such authority shall not be reasonably denied by the Wrongful Death Creditors.

5. The Wrongful Death Creditors' liens on the Properties, to the extent such liens are valid and are not avoidable, shall attach to the funds in the escrow account to the extent and priority of the Wrongful Death Creditors' valid liens against the Properties, automatically by operation of this Order, without the need for further order of this Court and without the requirement of any act to attach or perfect the liens.

6. Except as set forth in this Consent Order, the Debtor and the Wrongful Death Creditors each reserve all of their respective rights including but not limited to all rights and defenses asserted in the Adversary Proceeding and with respect to future sales of the Debtor's real property, if any.

7. By January 5, 2021, the Debtor and the Wrongful Death Creditors shall select a mediator who shall mediate all issues contained in the adversary proceeding of Nobles, et al. v. Maia, Adversary No. 19-0002-AMC, and all Plan confirmation issues. All response deadlines with respect to the adversary proceeding shall be stayed until the expiration of ten (10) days following the conclusion of the mediation.

8. PNC Bank, N.A.'s liens on the Properties shall be paid in full at closing.

9. The City of Philadelphia's statutory and judicial liens on the Properties shall be paid in full at closing.

10. This Court shall retain jurisdiction over any matters related to or arising from the implementation of this Order.

11. The fourteen (14) day stay imposed by Fed. R. Bankr. P. 6004(h) is hereby waived and this Order is effective immediately upon its entry.

BY THE COURT



Honorable Ashely M. Chan
United States Bankruptcy Judge

Agreed and consented to by:

/s/ Michael D. Vagnoni
Michael D. Vagnoni, Esquire
Obermayer Rebmann Maxwell & Hippel
LLP
Attorneys for Debtor

/s/ Pamela Elchert Thurmond
Pamela Elchert Thurmond, Esquire
Attorney for Creditor,
The City of Philadelphia

/s/ Karina Velter

Karina Velter, Esquire
Attorney for Creditor,
PNC Bank, National Association

/s/ Mark D. Pfeiffer
Mark D. Pfeiffer, Esquire
Attorney for Creditors,
Maurice Butts, Willie Jamar Nobels, and
Diana Wilson